### United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450

P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

A DDY TO A PERONA NAO	EW DVG D AFFE	TYPOTALLA CEP DATENTOP	A TOTAL DESCRIPTION	CONTENDA ( TRONGO)
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/455,497	04/25/2012	Akintunde Ehindero	DC-19194	4214
	7590 10/08/202 ti & Chambers, LLP - I	EXAMINER		
P.O. Box 20351 Austin, TX 787	18		ROSS, SCOTT M	
Austin, 1A 707	20		ART UNIT	PAPER NUMBER
			3623	
			NOTIFICATION DATE	DELIVERY MODE
			10/08/2020	ELECTRONIC

### Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@dockettrak.com tmunoz@tcciplaw.com

#### UNITED STATES PATENT AND TRADEMARK OFFICE

### BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte AKINTUNDE EHINDERO, RAJIV NARANG, and YINGCHI CHEN

Appeal 2020-003350 Application 13/455,497 Technology Center 3600

Before JOSEPH L. DIXON, CARL L. SILVERMAN, and SCOTT B. HOWARD, *Administrative Patent Judges*.

DIXON, Administrative Patent Judge.

### **DECISION ON APPEAL**

#### STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject claims 1, 2, 4–8, 10–14, 16–18, 21, and 22. This appeal is related to prior appeal 2016-005211, where we affirmed the Examiner's patent eligibility and obviousness rejections. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

\_

<sup>&</sup>lt;sup>1</sup> We use the word "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42(a) (2018). Appellant identifies the real party in interest as Dell Products L.P. Appeal Br. 1.

#### **CLAIMED SUBJECT MATTER**

The claims are directed:

A system and method are disclosed for social targeting within a social media environment. A sample set of social media interactions containing a reference to an intent to purchase a product is processed to generate a prioritization index. The prioritization index is then used to monitor social media interactions in a target social media environment to identify social media users exhibiting propensity-to-purchase behavior. A propensity-to-purchase value is then generated for each of the identified social media users and they are ranked accordingly. The ranked social media users are then converted into sales leads for nurturing.

Abstract. Claim 1, reproduced below (emphases added), is illustrative of the claimed subject matter:

1. A computer-implemented method for social targeting via a social targeting system executing on an information handling system, comprising:

receiving user data to the social targeting system, the user data comprising data representing social media interaction of a user;

processing, via the social targeting system, a first set of social media interaction data to generate a second set of social media interaction data containing a reference to an intent to purchase a product, the first set of social media interaction data associated with a first set of social media users and the second set of social media interaction data associated with a second set of social media users;

processing, via the social targeting system, the second set of social media interaction data to generate a prioritization index;

processing, via the social targeting system, a third set of social media interaction data with the prioritization index to

generate a propensity-to-purchase value for individual users of a third set of social media users, the propensity-to-purchase value representing a likelihood of an individual user to purchase a target product or service, the third set of social media interaction data associated with the third set of social media users; and

performing, via the social targeting system, ranking operations to rank the third set of social media users according to their respective propensity-to-purchase value; and

wherein the prioritization index is generated from a site visit index and a purchase index, the site visit index indicating a social media user activity with content related to a product line featured in a social marketing campaign;

the site visit index comprises information relating to a number of site visits made by the individual user, within a predetermined timeframe, along with recency and frequency of the site visits;

the purchase index comprises information relating to a proximity to a next purchase cycle of the individual user, a number of times that a purchase cycle has been missed, whether a purchase has been made since a last visit, and whether the individual user is a bulk purchaser;

the site visit index is determined as:

$$Visit\ Index = \sum (MV * W_{website})$$

where: Momentum of Visit (MV) =  $\sum Visits * Recency$ 

where: Visits = Number of Visits

Recency = Recency of the Visit [1/(gap between the visit week and the last week considered in the visit window)]

 $W_{WEBSITE} = Weight for the website$ 

where: WA = 1, WB = 1,  $W_{VENDOR} = 0.5$ ; and,

the purchase index is determined as:

 $Purchase\ Index = R * PV * SOW$ 

Appeal 2020-003350 Application 13/455,497

where: Magnitude of Vendor Revenue (R) = Revenue generated

in the past

PV = Closeness to realizing a Purchase =

$$\frac{(CW - LPW)}{PC} - Integer \underbrace{(CW - LPW)}_{PC}$$

$$Integer \underbrace{(CW - LPW)}_{PC} + 1$$

$$PC$$

where: CW = Current Week

LPW = Last Purchase Week

PC= Purchase Cycle (average of the differences between consecutive purchases made Last Purchase Week)

SOW= Share of Wallet.

#### REJECTION

Claims 1, 2, 4–8, 10–14, 16–18, 21, and 22 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.

#### **OPINION**

35 U.S.C. § 101

With respect to independent claims 1, 7, and 13, Appellant does not set forth separate arguments for patentability. Appeal Br. 12. As a result, we select independent claim 1 as the representative claim and address Appellant's arguments thereto. 37 C.F.R. § 41.37(c)(1)(iv) (2019). Independent claims 7 and 13 will fall with independent claim 1. Arguments which Appellant could have made but chose not to make in the Briefs have

Appeal 2020-003350 Application 13/455,497 not been considered and are deemed to be waived.<sup>2</sup> *See* 37 C.F.R. § 41.37 (c)(1)(iv).

### a. Legal Principles

An invention is patent eligible if it claims a "new and useful process, machine, manufacture, or composition of matter." 35 U.S.C. § 101. However, the Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: "[1]aws of nature, natural phenomena, and abstract ideas" are not patentable. *E.g.*, *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014).

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court's two-step framework, described in *Mayo* and *Alice*. *Alice*, 573 U.S. at 217–18 (citing *Mayo Collaborative Servs*. v. *Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, under Step 2A, we first determine what concept the claim is "directed to." *See Alice*, 573 U.S. at 219 ("On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk."); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) ("Claims 1 and 4 in petitioners' application explain the basic concept of hedging, or protecting against risk.").

Concepts determined to be abstract ideas and, thus, patent ineligible include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 67 (1972)). Concepts

<sup>&</sup>lt;sup>2</sup> We note that Appellant did not file a Reply Brief to respond to the Examiner's responses to Appellant's patent eligibility arguments.

determined to be patent eligible include physical and chemical processes, such as "molding rubber products" (*Diamond v. Diehr*, 450 U.S. 175, 191 (1981)); "tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores" (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1853))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

If, under Step 2A, the claim is "directed to" an abstract idea, then, under Step 2B, "we must examine the elements of the claim to determine whether it contains an 'inventive concept' sufficient to 'transform' the claimed abstract idea into a patent-eligible application." *Alice*, 573 U.S. at 221 (quotation marks omitted). "A claim that recites an abstract idea must include 'additional features' to ensure 'that the [claim] is more than a drafting effort designed to monopolize the [abstract idea]." *Id.* (quoting *Mayo*, 566 U.S. at 77). "[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention." *Id.* 

On January 7, 2019, the U.S. Patent and Trademark Office ("USPTO") published revised patent subject matter eligibility guidance. *See* 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50, 2019 ("Revised Guidance").<sup>3</sup> Under the Revised Guidance, Step 2A of the *Alice* two-step framework is divided in two prongs. For Step 2A, Prong 1, we look to whether the claim recites any judicial exceptions falling into

<sup>3</sup> 

<sup>&</sup>lt;sup>3</sup> In response to received public comments, the Office issued further guidance on October 17, 2019, clarifying the 2019 Revised Guidance. USPTO, *October 2019 Update: Subject Matter Eligibility* (the "October Update") (available at https://www.uspto.gov/sites/default/files/documents/peg\_oct\_2019\_update.pdf).

certain groupings of abstract ideas (*e.g.*, mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes). For Step 2A, Prong 2, if the claim recites such a judicial exception, we look to whether the claim recites any additional elements that integrate the judicial exception into a practical application (*see* Manual of Patent Examining Procedure ("MPEP") § 2106.05(a)–(c), (e)–(h)).

Only if a claim recites a judicial exception and does not integrate that exception into a practical application, do we then determine, under Step 2B of the *Alice* two-step framework, whether the claim adds a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field (*see* MPEP § 2106.05(d)) or simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

# b. Examiner's Findings and Conclusions

The Examiner determines that the claimed invention is directed to

social targeting, by receiving a first set and second set of data, mathematical modeling to generate a prioritization index, the prioritization index generated from a site visit and purchase index, processing a third set of data with the prioritization index to determine a user probability of purchase, and ranking users by probability to purchase, which is an abstract idea reasonably categorized as organization of human activity (advertising, marketing or sales activities or behaviors; business relations) and mathematical concepts.

Final Act. 2; *see also* Ans. 3. The Examiner additionally determines that the claim sets forth "additional elements unencompassed by the identified

abstract idea include a computer system, processor, data bus, computer-usable medium embodying computer program code." Final Act. 3. The Examiner also determines that the abstract idea is not integrated into a practical application. Final Act. 3. The Examiner identifies all of the steps of the claimed invention as part of the recited abstract idea. Ans. 4–5. The Examiner determines that the recited "computer" and "a social targeting system executing on an information handling system" are the additional elements of the claim that "essentially amount to the computer on which the abstract idea is implemented." Final Act. 3. The Examiner determines that "the abstract idea is not integrated into a practical application because the implementation of the abstract idea by the additional elements fails to describe" any of the enumerated applications. Final Act. 5.

"When considered in view of the claim as a whole, Examiner submits that each of these additional elements do not integrate the abstract idea into a practical application because, in view of Figures 1-2, and the associated paragraphs of Appellant's specification, these elements are generic computing elements merely provide a generic environment in which to carry out the abstract idea." Ans. 8.

With regards to step 2B, the Examiner explains that "[t]he claim does not include additional elements that, either alone or in combination, are sufficient to amount to significantly more than the abstract idea because the additional elements of the claim essentially amount to the computer on which the abstract idea is implemented." Final Act. 3. The Examiner determines that the additional elements and computer functions of communication network and processor to be well-understood, routine, and conventional functions when claimed in a merely generic manner. Ans. 9–10.

### Appellant's Arguments

Appellant argues that the claims do not *per se* recite mathematical concepts, methods of organizing human activity or mental processes, the claims were previously amended to make it clear that the prioritization index, the site visit index and the purchase index are all processed via a hardware processor. Appeal Br. 2.

Appellant argues that the claims are directed to a practical application and more specifically, the claims are generally directed to the practical application providing a pricing index associated with user interactions within a social media environment. Appeal Br. 3.

Appellant argues "the claims do not recite matter that falls within the mental organization of human activity and mathematical concepts groupings of abstract ideas set forth in the Revised Patent Subject Matter Eligibility Guidance." Appeal Br. 6. Appellant additionally argues that even if it is determined that the claims fall into either the method of organizing human activity grouping or the mathematical concepts grouping, the combination of the additional elements of the claim use the mathematical formulas and calculations in a specific manner that limits the use of the mathematical concepts to the practical application of generating a propensity-to-purchase value for individual users of a set of social media users. *Id.* at 7.

Appellant further argues that because the "claims as a whole, which include these limitations, were found to distinguish over the cited art. Thus, the claims are directed to an inventive concept and should be found to be eligible under step 2B of the revised guidelines. Appeal Br. 9.

#### c. Discussion

Patent eligibility under 35 U.S.C. § 101 is a question of law that is reviewable *de novo*. *See Dealertrack, Inc. v. Huber*, 674 F.3d 1315, 1333 (Fed. Cir. 2012).

### i. Step 2A, Prong 1

For Step 2A, Prong 1, of the Revised Guidance, we agree with the Examiner that the emphasized portions of claim 1, reproduced above, recite elements that fall within the abstract idea groupings of human activity (advertising, marketing or sales activities or behaviors; business relations) and mathematical concepts. Final Act. 2. The Revised Guidance requires us to evaluate whether the claim recites a judicial exception (e.g., an abstract idea). According to the Revised Guidance, to determine whether a claim recites an abstract idea, we must identify limitations that fall within one or more of the designated subject matter groupings of abstract ideas. According to the October Update produced by the USPTO, "a claim recites a judicial exception when the judicial exception is 'set forth' or 'described' in the claim." See October 2019 Update. The Revised Guidance lists mental processes as one such grouping and characterizes mental processes as including, inter alia, "concepts performed in the human mind (including observation, evaluation, judgment, opinion)." 84 Fed. Reg. at 52. We find that the elements of independent claim 1 describe this judicial exception.

We note that Appellant has not identified that the Specification specifically defines the limitation "via a social targeting system executing on an information handling system." *See generally* Appeal Br. 6–9.

We find that the emphasized portions of claim 1 set forth the human activity (advertising, marketing or sales activities or behaviors; business relations) and mathematical concepts. We find that the limitations of claim

1 recite the steps of a mathematical concepts and one of certain methods of organizing human activity; *see also RecogniCorp, LLC v. Nintendo Co., Ltd.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017) ("Adding one abstract idea . . . to another abstract idea . . . does not render the claim non-abstract.").

We acknowledge that claim 1 specifies a "computer" and "a social targeting system executing on an information handling system." However, these additional device elements do not further define or otherwise limit these additional device elements to any particular thing or environment. Thus, we find claim 1 recites elements that fall within the abstract idea groupings of mathematical concepts and one of certain methods of organizing human activity.

## ii. Step 2A, Prong 2

For Step 2A, Prong 2, of the Revised Guidance, we find that claim 1, as a whole, does not integrate the recited mental process into a practical application of the abstract idea. The Revised Guidance states that "[a] claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception." 84 Fed. Reg. at 53. The Revised Guidance further states that integration should be evaluated by "[i]dentifying whether there are any additional elements recited in the claim beyond the judicial exception(s)" and, based on certain considerations, "evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application." 84 Fed. Reg. at 54–55. The Revised Guidance identifies considerations such

as whether additional elements yield an improvement to a particular technology or a computer itself, correspond to the implementation of the judicial exception with a particular machine, and/or apply the judicial exception in some way beyond simply linking the judicial exception to a particular technological environment. *See* MPEP § 2106.05(a)–(c), (e)–(h).

Appellant argues that even if it is determined that the claims fall into either the method of organizing human activity grouping or the mathematical concepts grouping, the combination of the additional elements in the claim use the mathematical formulas and calculations in a specific manner that limits the use of the mathematical concepts to the practical application of generating a propensity-to-purchase value for individual users of a set of social media users. Appeal Br. 7. Appellant identifies the totality of the claim limitations to be the "additional elements," which we find to be the recited abstract idea. As a result, we find Appellant's argument unavailing.

Here, as discussed above, claim 1 incorporates additional device elements. The "additional elements" in the claim beyond the recited abstract idea, are "computer" and "social targeting system executing on an information handling system."

The Specification discloses that the "additional elements" are generic components and "[i]nformation handling systems may include a variety of hardware and software components that may be configured to process, store, and communicate information and may include one or more computer systems, data storage systems, and networking systems." Spec. ¶ 3. The Specification further discloses:

an information handling system may be a personal computer, a network storage device, or any other suitable device and may

vary in size, shape, performance, functionality, and price. The information handling system may include random access memory (RAM), one or more processing resources such as a central processing unit (CPU) or hardware or software control logic, ROM, and/or other types of nonvolatile memory. Additional components of the information handling system may include one or more disk drives, one or more network ports for communicating with external devices as well as various input and output (I/O) devices, such as a keyboard, a mouse, and a video display. The information handling system may also include one or more buses operable to transmit communications between the various hardware components.

Spec. ¶ 21 (emphasis added).

For the practical application analysis, Appellant contends that:

Additionally, even if it is determined that the claims fall into either the method of organizing human activity grouping or the mathematical concepts grouping, it is respectfully submitted that the combination of the additional elements of the *claim use the* mathematical formulas and calculations in a specific manner that limits the use of the mathematical concepts to the practical application of generating a propensity-to-purchase value for individual users of a set of social media users. More specifically, the claims include the limitations of using a site visit index and a purchase index to generate a prioritization index, which is in tum used to generate a propensity-to-purchase value for individual users. The site visit index comprises information relating to a number of site visits made by the individual user, within a predetermined timeframe, along with recency and frequency of the site visits and the purchase index comprises information relating to a proximity to a next purchase cycle of the individual user, a number of times that a purchase cycle has been missed, whether a purchase has been made since a last visit, and whether the individual user is a bulk purchaser. Thus, the use of the [site visit] index and the purchase index are limited to the practical application of generating a propensity-to-purchase value which is then used to rank a set of social media users according to their respective propensity-to-purchase value.

Appeal 2020-003350 Application 13/455,497 Appeal Br. 7 (emphases added).

We disagree with Appellant and find that the nominal recitation of "computer-implemented" and "via a social targeting system executing on an information handling system" individually and in combination do not integrate the recited abstract idea into a practical application.

We find that these additional device elements do not integrate the human activity (advertising, marketing or sales activities or behaviors; business relations) and mathematical concepts of claim 1 into a practical application. For instance, we do not find that these additional device elements yield an improvement in the functioning of a computer itself or to the particular technology of managed inventory, neither do we find that these additional device elements are any particular machine that is necessary to implement the judicial exception or transform something to a different state. Additionally, we do not find that these additional device elements apply the abstract idea in a meaningful way to any particular technological environment. We further agree with the Examiner's finding for Step 2B of the *Alice* two-step framework that these additional device elements, as claimed, correspond at most to a generic computing structure. *See* Final Act. 3; *see also* Ans. 9–10.

In addition, we determine that claim 1 recites insignificant presolution activity ("receiving . . . the user data"). *See OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1363–64 (Fed. Cir. 2015) (addressing insignificant pre-solution activity). The recited insignificant extra-solution activity does not help integrate the recited human activity (advertising, marketing or sales activities or behaviors; business relations) and

mathematical concepts into a practical application of the abstract idea and because the received data may merely be stored data.

We find that the claimed invention merely includes insignificant extra-solution activity which does not result in a "practical application." *Parker v. Flook*, 437 U.S. 584, 585–86 (1978) ("In essence, the method consists of three steps: an initial step which merely measures the present value of the process variable (*e.g.*, the temperature); an intermediate step which uses an algorithm to calculate an updated alarm-limit value; and a final step in which the actual alarm limit is adjusted to the updated value. The only difference between the conventional methods of changing alarm limits and that described in respondent's application rests in the second step—the mathematical algorithm or formula.").

Thus, we conclude that claim 1, as a whole, does not integrate the recited human activity (advertising, marketing or sales activities or behaviors; business relations) and mathematical concepts into a practical application of the abstract idea.

Therefore, based on our analysis under the Revised Guidance, we agree with the Examiner that claim 1 is directed to an abstract idea. Specifically, we find that claim 1 is directed to the abstract idea of a human activity (advertising, marketing or sales activities or behaviors; business relations) and mathematical concepts. As result, we focus our attention on Step 2B of the *Alice* two-step framework.

# iii. Step 2B

For Step 2B, we are not persuaded by Appellant's argument that claim 1 recites significantly more than the abstract idea itself. Step 2B of the *Alice* two-step framework requires us to determine whether any element, or

combination of elements, in the claim is sufficient to ensure that the claim amounts to significantly more than the judicial exception. *Alice*, 573 U.S. at 221. As discussed in the previous section, we agree with the Examiner's conclusion that the additional device elements, when considered individually and in an ordered combination, correspond to nothing more than a generic computing structure used to implement the human activity (advertising, marketing or sales activities or behaviors; business relations) and mathematical concepts. In other words, these components, as claimed, are well-understood, routine, and conventional and "behave exactly as expected according to their ordinary use." *See In re TLI Commc'ns LLC Patent Litig.*, 823 F.3d 607, 615 (Fed. Cir. 2016). As discussed in the previous section, Appellant's Specification describes the computing environment in which the invention is performed. *See* Spec. ¶¶ 3, 21.

We note that the Appellant has not identified that the Specification specifically defines the limitation "via a social targeting system executing on an information handling system." *See generally* Appeal Br. 6–9. Moreover, Appellant has not identified that the Specification gives any indication that such a computing environment is anything other than a well-understood, routine, and conventional computing environment. *See Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018).

Thus, implementing the abstract idea with these generic computer components "fail[s] to transform that abstract idea into a patent-eligible invention." *Alice*, 573 U.S. at 221. Therefore, we agree with the Examiner that claim 1 does not provide significantly more than the abstract idea itself.

As a result, Appellant's Specification is drafted at a high level and does not indicate that the computer or processor or the social targeting

system executing on an information handling system is more than well-known, routine, and conventional hardware to perform the claimed method. Appellant further argues that the claims as a whole, which include these limitations, were found to distinguish over the cited art. Thus, the claims are directed to an inventive concept and should be found to be eligible under step 2B of the Revised Guidance. Appeal Br. 9.

We disagree with Appellant because Appellant does not provide any citation to the Specification to support the attorney arguments. Attorney arguments and conclusory statements that are unsupported by factual evidence are entitled to little probative value. *In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997); *see also In re De Blauwe*, 736 F.2d 699, 705 (Fed. Cir. 1984); *Ex parte Belinne*, No. 2009-004693, 2009 WL 2477843, at \*3–4 (BPAI Aug. 10, 2009) (informative), *available at* https://www.uspto.gov/sites/default/files/ip/boards/bpai/decisions/inform/fd09004693.pdf; *see also In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011).

Contrary to Appellant's argument, we find the use of a well-known computer to be well-understood routine or conventional for mathematical calculations.

Therefore, because Claim 1 is directed to the abstract ideas of certain human activity (advertising, marketing or sales activities or behaviors; business relations) and mathematical concepts and does not provide significantly more than the abstract idea itself, we agree with the Examiner that claim 1 is ineligible for patenting and affirm the Examiner's rejection of claim 1 under 35 U.S.C. § 101. Because Appellant does not set forth separate arguments for patentability of independent claims 7 and 13 and dependent claims 2, 4–6, 8, 10–12, 14, 16–18, 21, 22, we affirm the patent eligibility rejection of these claims for the same reasons.

### CONCLUSION

The Examiner's patent eligibility rejection is affirmed.

# **DECISION SUMMARY**

# In summary:

Claims	35 U.S.C.	Reference(s)/Basis	Affirmed	Reversed
Rejected	§			
1, 2, 4–8,	101	Patent Eligibility	1, 2, 4–8,	
10–14, 16–			10–14, 16–	
18, 21, 22			18, 21, 22	

### TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

# **AFFIRMED**